

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. ____-19

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA AMENDING CHAPTER 238, SEWERS, OF
THE CHELTENHAM TOWNSHIP CODE TO ESTABLISH A
NEW ARTICLE V, ENTITLED, "SEWAGE GRINDER PUMPS
AND ASSOCIATED LOW-PRESSURE SYSTEMS" ADDING
DEFINITIONS AND REGULATIONS PERTAINING TO
SEWAGE GRINDER PUMPS AND ASSOCIATED LOW-
PRESSURE SYSTEMS UTILIZED WITHIN THE TOWNSHIP**

WHEREAS, consistent with the Cheltenham Township ("Township") Act 537 Official Sewer Plan pursuant to the Pennsylvania Sewage Facilities Act ("Act"), there are currently certain properties located in the Township which are served by a sewage grinder pump and an associated low-pressure system; and

WHEREAS, consistent with the Act, there may be properties located within the Township which utilize a sewage grinder pump and an associated low-pressure system in the future; and

WHEREAS, the Township Board of Commissioners is desirous of adopting definitions and regulations pertaining to sewage grinder pumps and associated low-pressure systems utilized within the Township.

NOW, THEREFORE, BE IT ENACTED that the Board of Commissioners of the Township of Cheltenham, hereby ordains (added text in **bold**):

SECTION 1: Ordinance Amendment.

**ARTICLE V
Sewage Grinder Pumps and Associated Low-Pressure Systems**

§ 238-35. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this Article shall be as follows:

ACT 537 PLAN – The Township's Official Plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1 through 750.20a ("Sewage Facilities Act" or "Act 537").

DEPARTMENT – The Pennsylvania Department of Environmental Protection.

GRINDER PUMP – Any electric-motor-driven, submersible, centrifugal capable of macerating all material found in normal domestic sanitary sewage, including a reasonable amount of objects such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry and pumping this material through a small diameter discharge.

IMPROVED PROPERTY – Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

LOW-PRESSURE SYSTEM – A grinder pump or grinder pumps and the associated force mains, low-pressure laterals and/or additional equipment associated therewith.

OFFICIAL PLAN REVISION – A change in the Township's Act 537 Official Plan to provide for additional, newly identified future or existing sewage facilities needs, which may include one or more of the following:

- A. **UPDATED REVISION** – A comprehensive revision to an existing Official Plan required when the Department or the Township determines the Official Plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of the Township or its residents or landowners.
- B. **SPECIAL STUDY** – A study, survey, investigation, inquiry, research report or analysis, which is directly related to an updated revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.
- C. **REVISION FOR NEW LAND DEVELOPMENT** – A revision to the Township's Official Plan resulting from a proposed subdivision as defined in Act 537.

PROPERTY OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

SEWAGE – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law, as amended, 35 P.S. §§ 691.1 through 691.1001.

§ 238-36. Planning requirements.

The connection of existing properties or proposed land development to an existing or proposed sewage system through the use of a low-pressure system within the Township shall occur only after either:

- A. An Official Plan revision to the Township's Act 537 plan designating the proposed properties to be served by low-pressure system has been approved by the Township and the Department; or
- B. A Department-approved exemption from the Official Plan revision has been obtained by the property owner.

§ 238-37. Powers of Township.

- A. The Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which are deemed necessary from time to time to effect the purposes herein. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other applicable Township ordinances and regulations, and all applicable laws, rules and regulations, including, but not limited to, applicable rules and regulations of administrative agencies for the Commonwealth of Pennsylvania.

- B. The Township is hereby authorized and empowered to undertake within the Township the control of procedures for the installation, use and maintenance of low-pressure systems.**
- C. The Township is hereby authorized to undertake such actions as are necessary, including, but not limited to, entering into agreements with property owners that assure proper operation and maintenance of the low-pressure systems within the Township's borders.**

§ 238-38. Adoption and revision of rules and regulations.

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use, operation and maintenance of low-pressure systems within the Township, and all such rules and regulations shall become a part of this Article.

§ 238-39. Rules and regulations for low-pressure systems.

- A. Each property owner whose improved property is served by a low-pressure system shall have full responsibility for providing, maintaining, operating, repairing and replacing the low-pressure system.**
- B. All low-pressure systems, and the associated installation, operation, service and replacement thereof, shall comply with all applicable rules and regulations of the Township as are established from time to time by the Township.**
- C. The Township shall maintain control over the type of grinder pumps and associated force main components used so that full service capability is available locally and on short notice.**
- D. Each property owner whose improved property is served by a low-pressure system shall use the grinder pump in a manner fully consistent with the manufacturer's instructions and shall avoid introducing into the low-pressure system bulky paper or plastic materials, including, but not limited to, items designated as biodegradable in septic tanks, that may damage the impellers or the grinder pump.**
- E. Within 24 hours of discovery of a malfunction and/or nonoperation of a grinder pump or the associated low-pressure system, each property owner whose improved property is served by the grinder pump shall close the low-pressure system and cease operations until such time as the grinder pump and associated low-pressure system has been fully restored to operational status. Each property owner shall have an alarm panel inside the improved property that notifies the property owner of any nonoperation or malfunction of the low-pressure system.**
- F. At the property owner's sole cost and expense, the property owner shall have a standby twenty-four-hour emergency replacement unit for the grinder pump serving an individual residential dwelling unit, through contract with an independent contractor or otherwise. Installation of the temporary replacement grinder pump shall be the property owner's sole responsibility and shall be at its sole cost and expense.**
- G. The Township shall not have any responsibility for the purchase, operation, repair, maintenance or replacement of the grinder pump or any portion of the low-pressure system.**
- H. Each property owner who desires to install or maintain a low-pressure system to service its improved property shall execute a low-pressure sewer system operations and maintenance agreement with the Township, in recordable form, setting forth the rights, duties and obligations of the property owner with respect to the low-pressure system.**
- I. Each property owner whose improved property is served by a low-pressure system shall ensure that a professional contractor inspects the grinder pump at least once every three years and that a written inspection report is generated from each inspection. The property**

owner shall provide the Township with copies of the inspection report, signed by the contractor. The inspection report shall certify that the grinder pump is operational, indicates resolution of any deficiencies noted in the contractor's inspection, as well as any service or alarm calls which occurred in the period between inspections. Should the property owner wish to make a revision or modification to the grinder pump, the property owner is responsible for obtaining any required permits from the Township prior to modification or revision as well as providing an amended and revised drawing detailing the revision or modification to the Township. All costs associated with inspections, modifications and amendments of and to the grinder pump shall be borne solely by the property owner.

- J. In addition to the foregoing, where the low-pressure system is intended to be shared between two or more property owners, the property owners shall submit to the Township a declaration of easements, covenants and restrictions, in recordable form, setting forth the agreement of each benefited property owner with respect to the installation, use and maintenance of the low-pressure system, which agreement shall bind all future property owners. The Township shall not issue a permit for installation of the low-pressure system until evidence is presented, in a form satisfactory to the Township, that the low-pressure system has been approved by all applicable agencies and that the declaration of easements, covenants and restrictions has been recorded in the Office of the Recorder of Deeds, Montgomery County, Pennsylvania.
- K. The Township shall have the right, but not the obligation, to enter onto any property to inspect, maintain, service, repair or replace any low-pressure system. The cost of such maintenance, service, repair or replacement shall be assessed against the property owner and shall become a lien on said property. The Township, subsequent to the time of entering upon any such property, shall file a notice of lien upon said property in the office of the Prothonotary of Montgomery County. If the property owner fails to satisfy the lien within 30 days of the filing date of the notice of lien, the Township may seek to execute on the lien and/or proceed to collect the amount due by commencing an action in assumpsit.

§ 238-40. Abatement of nuisances.

In addition to any other remedies provided herein, any violation of §238-39 or any part thereof, above, shall constitute a nuisance which may be abated by the Township by seeking mitigation of the nuisance, use of statutory enforcement procedures and/or such other appropriate equitable or legal relief from a court of competent jurisdiction as the Township determines is necessary to adequately abate the nuisance.

SECTION 2. Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 3. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Failure to Enforce Not a Waiver. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED and **ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled this **18th** day of **December, 2019**.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

Bryan T. Havir
Township Manager and Secretary

By:_____
Daniel B. Norris, President